

Cause No. _____
241-0978-04 in the 241st District Court, Smith County, Texas

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| TRACY BEATTY | § | IN THE COURT OF | RECEIVED COURT OF CRIMINAL APPEALS 3/17/2020 DEANA WILLIAMSON, CLERK |
| VS. | § | CRIMINAL APPEALS | |
| THE STATE OF TEXAS | § | AUSTIN, TEXAS | |

**STATE'S RESPONSE TO APPLICANT'S MOTION
TO STAY EXECUTION**

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

COMES NOW, the State of Texas, by and through the Criminal District Attorney of Smith County, Texas, and requests that this Court deny the motion to stay filed by Tracy Beatty based upon this Court's stay order entered in *In re John William Hummel*, No. WR-81,578-02 (Tex. Crim. App. Mar. 16, 2020). In that case, this Court entered a stay of execution, "in light of the current health crisis and the enormous resources needed to address that emergency." *Id.*

However, the record in *Hummel* included notice in the State's response to the stay motion that, "... attorneys for TDCJ have informed the State that Hummel's March 18, 2020, execution will not cause any hardship or undue strain for TDCJ personnel and that TDCJ stands ready to proceed with Hummel's scheduled execution." (Cause No. WR-81,578-02 - State's Reply to Emergency Supplement to Motion for a Stay at 2).

In fact, as best can be gleaned from the filings in *Hummel*, no evidence was presented which indicated that the "current health crisis" in any way impacted upon the ability of the Texas Department of Criminal Justice to carry out its duties in executing that inmate.

The record of this case includes even less evidence than *Hummel* that TDCJ will be unable to perform its functions on March 25, 2020. As of this afternoon, only 57 cases of COVID-19 have been confirmed in Texas - a state with a population of approximately 26 million people. There has been no evidence that the "enormous resources needed to address that emergency" will also include the handful of TDCJ personnel who will carry out Beatty's execution.

Beatty has not argued any grounds, constitutional or otherwise, to support the grant of a stay. Consequently, the State strongly objects to the grant of an unnecessary and entirely undeserved stay of execution in this case.

WHEREFORE, the State respectfully requests that the Court deny Tracy Beatty's motion for a stay of execution.

Respectfully submitted,

JACOB PUTMAN
Smith County Criminal District Attorney

/s/ Michael J. West
Michael J. West, SBN: 21203300
Assistant Criminal District Attorney
Smith County, Texas
100 N. Broadway, 4th Fl.
Tyler, Texas 75702
(903) 590-1720 / (903) 590-1719 (fax)
mwest@smith-county.com

CERTIFICATE OF SERVICE

On March 16, 2020, a true and complete copy of this instrument was served by electronic filing to:

Thomas Scott Smith
State Bar Number 18688900
120 South Crockett Street
P.O. Box 354
Sherman, Texas 75091-0354
Email: scottsmithlawyer@gmail.com

/s/ Michael J. West
Michael J. West, SBN: 21203300
Assistant Criminal District Attorney

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Michael West
Bar No. 21203300
mwest@smith-county.com
Envelope ID: 41706115
Status as of 03/17/2020 15:42:56 PM -05:00

Case Contacts

| Name | BarNumber | Email | TimestampSubmitted | Status |
|---------------|-----------|----------------------|----------------------|--------|
| T. ScottSmith | | smithlaw@airmail.net | 3/16/2020 5:13:58 PM | SENT |